

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CARNEIL DAVIS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-09-618-M
	)	
JIM KEITH, Warden,	)	
	)	
Respondent.	)	


**ORDER**

On February 26, 2010, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254. The Magistrate Judge recommended dismissal without prejudice of petitioner's amended habeas corpus petition challenging a 1975 conviction in state district court. Petitioner was advised of his right to object to the Report and Recommendation and on March 9, 2010, filed a letter which the Court construes as petitioner's objection. On April 20, 2010, petitioner's Motion to Dismiss Petitioner's Habeas Petition Without Prejudice was filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on February 26, 2010;
- (2) GRANTS petitioner's motion to dismiss without prejudice [docket no. 34]; and
- (3) DISMISSES petitioner's amended habeas corpus petition.

**IT IS SO ORDERED this 30th day of April, 2010.**

  
VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE